

Resolution Number TC-1908

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of September 15 & 16, 2010 are hereby approved as published in the official agenda of the October 20 & 21, 2010 Meeting.

**Transportation Commission of Colorado
Regular Meeting Minutes
September 16, 2010**

Chairman Les Gruen convened the meeting at 9:33 a.m. in the auditorium of the headquarters building in Denver Colorado.

PRESENT WERE: Les Gruen, Chairman, District 9
Steve Parker, Vice Chair, District 8
Trey Rogers, District 1
Jeanne Erickson, District 2
Gary Reiff, District 3
Bill Kaufman, District 5
George Krawzoff, District 6
Doug Aden, District 7
Gilbert Ortiz, Sr., District 10
Herman Stockinger/Secretary, Government Relations Director

EXCUSED: Heather Barry, District 4
Kimbra L. Killin, District 11

ALSO PRESENT: Executive Director, Russ George
Pam Hutton, Chief Engineer
Jennifer Finch, Transportation Development Director
Heidi Bimmerle, Director, Division of Human Resources and Administration
Casey Tighe, Audit Director
Rick Gabel, Staff Services Director
Ben Stein, Manager, OFMB
Mark Imhoff, Division of Transit and Rail Director
Michael Cheroutes, High Performance Transportation Enterprise Director
Tony DeVito, Region 1 Transportation Director
Tim Harris, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Johnny Olson, Region 4 Transportation Director
Richard Reynolds, Region 5 Transportation Director
Reza Akhavan, Region 6 Transportation Director
Kathy Young Representing, Chief Transportation Counsel
Doug Bennett, Representing FHWA

Vince Rogalski, Statewide Transportation Advisory
Committee (STAC) Chairman
Dave Wieder, Maintenance and Operations Branch Manager

AND: Other staff members, organization representatives,
the public and the news media

Two audiotapes of the meeting were made and supporting documents are filed in the Transportation Commission office.

Audience Participation

Chairman Gruen asked if there were any members of the audience that wanted to address the Commission and there were none. He mentioned that he had received word that a person who wished to speak was on the way but had not arrived. He stated that they wished to discuss some transit matters and that the person would be given a chance to comment for three minutes when the matter is heard later in the meeting.

Individual Commissioner Comments

Commissioner Reiff declared that he wanted to thank Reza Akhavan, Paul Jesaitis and the Region 6 staff for the excellent presentation that they put together for the September Aurora Chamber of Commerce meeting he attended.

Commissioner Erickson expressed her delight that Mark Imhoff had taken the position as the Director of Transit and Rail and that he was in the audience for the meeting.

Commissioner Krawzoff stated that he had attended a series of County meetings and that he wanted to thank Dave Eller and his staff for the excellent job they did answering some tough questions. He welcomed Mark Imhoff, as well and noted that the Colorado Association of Transit Agencies was having their Annual Meeting at the same time as the Transportation Commission Meeting and that he would be stopping in at the meetings on his way back to Steamboat Springs that afternoon and encouraged others to do the same if they were heading that way.

Commissioner Rogers mentioned that along with Commissioners Aden and Barry, he represented the Commission on the HPTE (High Performance Transportation Enterprise) and that for several months the Enterprise had been looking for a Director and that with the help of CDOT Executive Director, Russ George, they had been able to hire the Director. Commissioner Rogers declared that the Enterprise was very fortunate to have Mike Cheroutes filling the position of Director and that his credentials were impeccable with decades of experience in public finance, law, and transportation policy but, that what really set him apart, was his passion for the HPTE and its mission and that he had demonstrated a real dedication for the Enterprise. Commissioner Rogers thanked Mike and stated that he looks forward to what will be accomplished through his leadership.

Commissioner Aden stated that he echoed Commissioner Rogers's statements in regards to Mike Cheroutes and that he welcomes him. He mentioned that he had attended some county meetings: Ouray County in Region 5, Delta, Montrose and Gunnison Counties with Region 3 and Region 5 and that all staff involved did a great job. He reported that he and Commissioner Parker had attended the Club 20 meeting in Grand Junction and that he would recommend anyone who was interested in politics and had not attended such a meeting during an election year to listen to all the debates, he would highly recommend doing so.

Commissioner Parker confirmed that he and Commissioner Aden had attended the Club 20 meeting and that they had a chance to raise questions and that it was a spirited meeting. He reported that he had participated in more county meetings and that he attended the annual meeting with the Southern Ute Indian Tribe and he felt that real progress had been made when a joint agreement had been signed a few months ago. He stated that he would be attending a county meeting in Hinsdale County in the following weeks and was pleased that it would be during the height of the fall colors.

Chairman Gruen asked for indulgence during his first meeting and that he wanted to thank staff for joining the Commission at the Colorado Contractors Association dinner on Wednesday, September 15, 2010. He stated that there was great attendance at the event and that it was a worthwhile get together. He reported that he and the other Commissioners wished the best to fellow Commissioner, Heather Barry, on the birth of her daughter, London Marie Barry. He addressed Kathy Young from the Attorney General's office who was in attendance on behalf of Harry Morrow and mentioned that he had been notified that Harry had received the Mark E. May professionalism award and that, on behalf of the Commission and CDOT, he wanted to congratulate Harry on receiving the award. He welcomed Mark Imhoff and Mike Cheroutes and mentioned that they were tremendous additions to an already talented staff. Chairman Gruen made a special presentation to Russ George and congratulated the Colorado State Patrol on behalf of CDOT and the Transportation Commission on the occasion of their 75th anniversary. Major Hal Butts, State Patrol District Commander from Pueblo was in attendance.

Executive Director's Report

Executive Director Russ George stated that during the last month, he had been able to attend two ground breaking ceremonies which were symbols of the years of effort spent to get good, big projects in motion.

- He said that the first project was the Denver Union Station and he reported that it was hard to pull a project like that together when many factors are considered, such as: the business side and the citizen side of the private sector, the historical interests and issues, limited budgets, opportunity for loan programs at the Federal Level, the complexity of working through a large federal loan program, many meetings, and an essential need to collaborate, compromise, create and innovate. The project is going to be a 50 or 100 year program for the Denver region and for the project to have gotten off of the ground is a tribute to the

many, many people involved. He confirmed that it was an honor for CDOT to be a participant in the program and to be present at the groundbreaking.

- He stated that the other groundbreaking was for the Central Park Boulevard Interchange on I-70 which was a different example of what is necessary to accomplish important infrastructure projects. He reported that the project had been on the books for a long time and was originally imagined as a necessary part of a large private sector development program on the old Stapleton Airport. He stated that in these times it becomes dramatic when a project has the ability to stimulate jobs, economic growth, and opportunity. He said that because of the opportunity to invest Federal Stimulus money in the project before the development program was ready to begin, it accelerated the job opportunities and economic growth and the timelines for the project were very strict. He declared that it could not have happened without a dramatic coming to the table by all of the players: City and County of Denver, private entities, FHWA and CDOT and that FHWA and CDOT were called upon to assure that the project met all of the standards it was required to because it was a part of the I-70 right-of-way and that everybody had a can do attitude to include: Region 6 staff, Doug Bennett's staff at FHWA and many others who changed the normal way of doing business to get an important project to groundbreaking.

Director George mentioned that he had an opportunity to present transportation's issues to the University of Denver: *Future of State Government Strategic Issues Panel*. He reported that this year the main theme for the panel is: Is the Government Structure of today as appropriate for today as it was in early times? He confirmed that they had a day long conversation on transportation and he challenged them to incorporate where we are, where we want to go, where we need to go, and where we can go into the overall conversation about where government needs to be in the future and he appreciated the opportunity he was given.

Director George reported that he had an opportunity to go to the Highway 285 Design Build Project and was given a briefing on the project and how it was being approached. He stated that it is another project where there is a collaborative effort and he was fascinated by the enthusiasm that all the players bring to the conversation and that they are onto something new and big and they love being a part of it. He found the experience stunning and was pleased to observe the science and engineering and the state of the art work that CDOT and its partners do for transportation infrastructure.

He mentioned that in the week of September 13th, CDOT had hosted its first ever Railroad Workshop and CDOT invited Railroad Companies, Railroads, local governments, state governments, and representatives of many private citizen issues. He reported that there were several hours of around the table conversation among the group who had not historically had that kind of conversation. He stated that it was just a beginning but, it was a nice effort for all stakeholders and that they look forward to it continuing and that it was a very productive way to begin.

Director George commented that he had been invited to a lunch at Headquarters for the

Bridge Design and Management Staff Branch and that the inter relationships the department displayed during their award celebration was a window into how they produce the best work that anybody in the world can do.

Director George mentioned that as he travels around to all of the meetings and events he attends that very often recently, it has been mentioned to him how extraordinary the relationship has become between CDOT and FHWA and how innovative it has become and how much more the agencies are doing together. Mr. George thanked Doug Bennett and his staff for their teamwork with CDOT.

Chief Engineer Report

Chief Engineer Pam Hutton stated that she wanted to echo the comments that have been brought up about CDOT and FHWA and to mention that the report she was giving would likely be the last ARRA Highway Update. She confirmed that the work will continue but, that after September the deadlines will have been met and the majority of the planning and scheduling and what is left is to build and that is what CDOT does and does well. She declared that the program could not have been accomplished without all of the people at headquarters, the Transportation Commission being flexible, and the partners at FHWA. She stated that CDOT will be 100% budgeted and obligated on September 30th and will be accomplished during that day's meeting with the confirmation items and walk on budget items. She reported that the very last day to obligate projects is not September 30th but, September 27th with FHWA and she stated that CDOT will make that deadline with 100% obligation and she mentioned that the Commission could be very proud of that fact.

ARRA Highway Update

- 100% ARRA funds budgeted and obligated
 - With today's confirmations
 - Absolute last day for FHWA to obligate is Sept 27
- Recent risk analysis
 - Additional ARRA excesses discovered, confirmation items
 - DTD – working with FTA to use at-risk funds within scope of award
 - Continuing risk in 15 fully ARRA funded projects that close after Sept 15.

ARRA Highway Status

- Current Status (as of September 1)
 - All 111 projects are Commission approved
 - All are 1511 certified and obligated
 - Advertised 104 projects
 - Awarded 103 contracts
 - Issued 100 Notice to Proceeds
 - 38 projects are complete
 - 58 projects active
 - 4 have not yet started
 - \$227M (59%) expended (\$37M, 10% more than July)

ARRA Jobs

- Reported jobs activity steady
 - Fewer people (10%), but slightly more hours and payroll (2%)
 - Highway to date
 - People – 34,974 (Aug - 2831)
 - Hours – 1,754,772 (Aug – 162,341)
 - Payroll - \$47,217,702 (Aug - \$4,200,253)
 - Transit to date (CDOT and Locals)
 - People - 387
 - Hours – 143,237
 - Payroll - \$4,582,917

ARRA Project Activity

- Shifted reimbursement, and increasing amounts of reimbursement in current months. This trend is to be expected with expenditures occurring later in projects.
- Assumptions for expenditure prediction:
 - Due to varying project start dates throughout year, program draw-down was assumed to occur evenly throughout the duration of the project (predicted annual expenditure per active project / 12 months because there are active projects all year long).

Predictions

- Expenditures
 - Current
 - Aug 31 - 59% (\$227M)
 - Today – 60% (\$232M)
 - Expected
 - Sept 2010 – 65% (\$251M)
 - Jan 2011 – 82% (\$315M)
 - July 2011 – 95% (\$365M)
 - Jan 2012 – 99% (\$381M)
 - April 2012 – 100% (\$385M)
- Jobs Total
 - 2.5M hours, \$68M payroll

Transit Progress

- Summary – continued progress
 - Obligated 100% - \$18.4M
 - Advertised 24 projects worth \$16.3M ARRA
 - Awarded 24 projects worth \$16.3M
 - Work has begun on 23 projects worth \$16M
 - Completed 5 projects worth \$0.53M
 - Expended \$9.3M

- Potential Risks – coordinating with FTA
 - Castilla Co. Transit Service
 - \$100k in operating funds at risk
 - Summit Co. Facility
 - Expected completion mid-Sept
 - Anticipated savings - \$0.5M
 - Use savings for other capital purchases per FTA

Future ARRA

- MOE – expected to exceed
- Project budget adjustments at close out
 - FHWA Guidance on post Sept 30 actions
- Reporting: until last ARRA project is closed out – mid-2012
 - Monthly Congress report
 - Monthly FHWA
 - Quarterly OMB

FASTER Safety

- Commission approved for FY10
 - Status
 - Under Construction – 18 worth \$44M
 - Awarded or pending (but have not begun work) – 4
 - Scheduled to be Advertised – 9
 - 5 in 2010, 4 in 2011
 - Remain to be scheduled for advertisement - 4
 - Design or ROW Projects - 12

FASTER Bridges

- 21 Bridges identified for FY10 program
 - Advertised or under construction – 13 bridges
 - Under construction – 12 (+3) bridges
 - To be re-advertised - 1 bridge
 - Remaining:
 - 3 bridges to be advertised in late 2010, early 2011
 - 2 are funded for ROW only and 1 for design only
 - 2 deferred to FY2011

Future Authorization and Stimulus

- President Obama Labor Day announcement of plan to invest \$50 billion in highway, bridge, transit, high-speed rail, and aviation infrastructure to front-end load a six-year authorization bill

Pam thanked the Commission for attending the Colorado Contractors dinner on Wednesday, September 15th and mentioned that she appreciated the fact that they are all busy people and that she knew some members of the Commission even went from one function to another in order to be there. She stated that the dinner was a big part of the partnership with Contractors and CDOT and that the Contractors help make the things she finished reporting on happen and it couldn't be delivered without them. Pam also mentioned that she wanted to further recognize Major Hal Butts of the State

Patrol who is an active participant in CDOT's Helping Hands Organization which benefits workers who have been injured or killed in the line of duty, typically riding a motorcycle with the group and she confirmed that Major Butts is an inspiration to the CDOT Family.

FHWA Division Administrator Report

Doug Bennett mentioned that he wanted to start by thanking Russ George and Pam Hutton for their kind remarks and that sometimes as he sits through meetings where FHWA and CDOT continually pat each other on the back, he feels like it might be misunderstood by observers but, that the accolades come from outside of the two organizations, as well. He reported that at the recent ASHTO National Meeting, it was clear that ASHTO saw Colorado and the CDOT/FHWA relationship as one of a small handful of relationships that are exceptional across the whole country. Doug declared that he had recently drove the FHWA Deputy Administrator around Denver and one of his remarks at the end of the day was complimentary about the CDOT/FHWA relationship. Doug said the organizations have found a way through mutual respect to do what is needed and he appreciates being a part of it. Doug mentioned that he had some information on money and that his figures weren't as large as what Pam Hutton had reported but, that Colorado was on track to obligate all of the ARRA money and is on track to make sure as projects close and there is a surplus of funds they will be able to attach it to another Colorado project as 2011 develops. He said he does not feel that Colorado is at any risk of losing money now or later. He said that this summer FHWA assisted CDOT to apply for a special bridge program and were awarded an additional \$7M. Doug reported that Colorado received a re-distribution of Federal Money of \$18M and the funds cannot be used by other states and so the good news is that Colorado is in a good position to ask for the money and has been able to then get these types of funds. He concluded that by the end of September the new division administrator, John Cater, should be on board at FHWA.

STAC Report

Vince Rogalski stated that the STAC had its regular meeting on Friday, September 10th and that they discussed a number of things following an update from Vince on the Transportation Commission's August activities. He said that the things they discussed were:

- Budget FY 2012
 - Ben Stein explained the various scenarios
 - Discussion centered around revenue
 - Revenue looked too optimistic and it was mentioned that the rationale for the forecast be more realistic
 - Ben added an additional scenario in response to the STAC guidance
 - A STAC recommendation on the budget might be decided on in October
- Federal & State Legislative Update
 - Mickey Ferrell made the presentation

- Discussed the \$50 billion suggested by President Obama in his white paper
 - How it will work with the 6 year re-authorization bill
 - Confusion came up a lot and that the federal legislation leads to uncertainty
- 7th pot Projects
- Regions gave a report on each project that is complete and what is left
 - It was concluded that all 7th pot projects that have been completed have been very beneficial
 - The existing 7th pot projects out there that are not completed are still a high priority for the STAC
- FASTER Transit Funding
- The resolution was discussed and the group asked for clarification on the language of “urbanized” within the document
 - It was explained that the definition of urbanized is: municipalities of 50,000 or more and many members objected to that language and how it limits the funding
 - Suggestion was made to change the wording from just Urbanized to say Urbanized and Rural
 - The recommendation that was put forward was not unanimous because some members want the future considerations to address operating funds and some do not

Committee Reports

Efficiency and Accountability Committee Report

Mickey Ferrell mentioned that the one year mark had been passed for the committee and that the time went by very quickly. He stated that in the last month, the Committee had heard a full report on three recommendations centered around Context Sensitive Solutions and that the committee had a meeting with the Executive Director. He reported that the committee looks forward to the EMT reacting to and working with the Executive Director on some of the recommendations and that they look forward to working together on more recommendations in the next year.

Transit & Intermodal Committee Conference Call

Commissioner Erickson delivered the following report on the Conference Call:

The Transit and Intermodal Committee had a conference call on Monday, September 14, 2010 to discuss the transfer of three busses purchased with Senate Bill 1 Strategic Transit Funds for the 34 express service from Greeley to Loveland. That service has been discontinued and there is the need to re-use the busses. CDOT received three applications for consideration and the

committee recommended that the busses be transferred to Fort Collins to be used for existing services and to reduce operating costs. The Committee would like the Commission's favorable consideration for the Resolution on this transaction later in the day's agenda.

Commissioner Krawzoff stated that he wanted to note that the firm he is employed by, Transit Plus, does work for the North Front Range which includes Fort Collins and Greeley, applicants for the busses mentioned in Commissioner Erickson's report. He stated that he would abstain from voting on the item when it comes up in the agenda and leave the room during the discussion and voting.

Act on Consent Agenda Act on Consent Agenda

Chairman Gruen asked for consideration of the Consent Agenda and he requested for a motion on the Consent Agenda. Commissioner Kaufman moved for adoption of the Consent Agenda. Commissioner Aden seconded motion and on a vote of the Commission, the following resolutions were unanimously adopted.

Approve the Special & Regular Meeting Minutes of August 18 &19, 2010

Resolution Number TC-1899

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of August 18 & 19, 2010 are hereby approved as published in the official agenda of the September 15 &16, 2010 Transportation Commission Meeting.

Approve the STIP Amendment

Resolution # TC-1900

Resolution to Approve STIP Policy Amendment Package for Amendment #29

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2008 – 2013 Statewide Transportation Improvement Program (STIP) in March, 2008; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for the month of Amendment #29 was provided from August 12, 2010 through September 15, 2010, and no comments were received; and

WHEREAS, one project was erroneously included in this month's package and has been withdrawn at the request of the Transportation Planning Region, the Denver Council of Governments (DRCOG). The project, SR16684.006, US-85: Fiber Optic Cable and Signal Interconnects, is located within the DRCOG TIP area and requires a TIP amendment prior to amending the STIP. This project will be amended through the DRCOG TIP amendment process. Once DRCOG completes their process, this project will be amended into the STIP administratively; and

WHEREAS, it is requested that the Transportation Commission approve the balance of policy amendments to the STIP which are detailed in the attached table and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #29 be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.

Approve the Resolution for the addition of a project to the approved list of over \$50,000 projects

Resolution # TC-1901

Addition to approved over \$50,000.00 project list dated August 23, 2010

WHEREAS, under Senate Bill 98-148, public projects supervised by the Colorado Department of Transportation (CDOT) are exempt from the requirements of the "Construction Bidding for Public Projects Act;" and

WHEREAS, Section 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare cost estimates for projects to be undertaken by CDOT maintenance crews that exceed \$50 thousand, but are less than or equal to \$150 thousand for submission to the Transportation Commission for review and approval; and

WHEREAS, CDOT staff have prepared a cost estimate for additional projects to be done in Fiscal Year 2011 as detailed in the memorandum entitled, Addition to approved over \$50,000.00 project list dated August 23, 2010; and

WHEREAS, the funding for this project is contained in the Fiscal Year 2011 Budget.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission has reviewed the cost estimate, as contained in the official agenda, and approves CDOT Maintenance Forces undertaking the project therein.

Discuss and Act on Resolution to Approve Bridge Enterprise Design Projects submitted for STIP Policy

Ben Stein mentioned that a special STIP Policy Amendment was prepared for the bridges that are proposed for the FY 2011 design program. Ben stated that the list of bridges could be found in the packet on page 1-1 and asked if there were any questions in regards to the Resolution.

Chairman Gruen asked for a motion on the Resolution. Commissioner Aden moved for approval of the resolution as presented. Commissioner Parker seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution # TC-1902

Resolution to Approve Bridge Enterprise Design Projects Submitted for STIP Policy Amendment #29

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2008 – 2013 Statewide Transportation Improvement Program (STIP) in March, 2008; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for the month of Amendment #29 was provided from August 12, 2010 through September 15, 2010, and no comments were received; and

WHEREAS, a list of specific bridges was submitted to, and approved by, the Bridge Enterprise Board for inclusion in the Bridge Enterprise. These bridges are not included in the current STIP document and need to be amended in so that they may move forward with budgeting and design work; and

WHEREAS, it is requested that the Transportation Commission approve these policy amendments to the STIP which are detailed in the attached table and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #29 be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.

Discuss and Act on Resolution for the 4th Budget Supplement

Ben Stein reported that the 4th budget supplement was presented in the Agenda booklet and if the Commissioners had any questions on any items that were in the routine package. Commissioner Reiff questioned Ben about the increase in right-of-way costs of South Highway 119 of \$1.6M which, to him, seemed to be quite a bit of increase. Ben deferred to Tony DeVito, Region Transportation Director for Region 1. Tony DeVito reported that during the Right-of-Way phase and the Construction phase the money allocated for Right-of-way had been put into the Construction Phase and the decision was made to transfer some of the funds back into the Right-of-way phase. Ben mentioned that the project had grown and evolved over time because there are a lot of different funding sources for the project and funds are moving around from place to place and that the project was one of the most complicated ones he had seen since he began with CDOT.

Ben also wanted to mention that Doug Bennett, of the FHWA mentioned the \$18M and he expected the Commissioners to be asking where that money was shown and the answer to that is that the re-distribution had to be obligated immediately and it has been locked up in a project that was in the Advance Construction and converted into obligation and in the long run it will make the \$18M will be available to CDOT.

Ben said that he had many items that the Chairman approved on September 2, 2010 and that the actions were in regards to ARRA and funds that were believed to be at risk in those projects. He said that the approval moved the funds out of those projects and moved them to other projects where they would be spent. Ben thanked Regions 4 and 6 for identifying the funds and getting them taken care of and that the Regions had been very responsive and helpful. Ben went over many of the items specifically and asked if the Commission had any questions.

Chairman Gruen asked for a motion to approve the 4th Budget Supplement. Commissioner Erickson moved for approval of the resolution as presented. Commissioner Krawzoff seconded the motion and on a vote of the Commission, the 4th Budget Supplement was approved unanimously.

Resolution #TC-1903

4th Supplement to the FY 2010-2011 Budget

BE IT RESOLVED THAT THE 4th Supplement to the Fiscal Year 2010-2011 budget is hereby approved by the Commission.

Commissioner Aden mentioned that while Ben was at the podium, he wanted to make comment that on page 42 in the Agenda Booklet it shows \$81.6M in the Contingency and he wanted to request that as part of the Budget Discussion in October he would like to have an analysis of the contingency to determine if there is

more money there than is needed and if that money should be programmed. Commissioner Aden felt that the contingency balance was a little high unless there were some unknowns that he was not aware of. So, Commissioner Aden requested for there to be a discussion on this particular issue during the October budget workshop and the rest of the Commission was in agreement.

Discuss and Act on the Resolution for Declaration of Excess of Four Parcels, south of I-70 and C-470 intersection Region 6

Reza Akhavan stated that he was at the meeting to give a short presentation on four excess parcels of land in Region 6. Reza delivered a PowerPoint presentation that included many pictures and the following data on the Declaration:

CDOT Projects

I 70-3(8)268 and I 70-3(125)

Parcels 266XD, 266XD2, 58XA and 58XB

Location

- ▶ **Location:** In the south quadrant of the intersection of Interstate 70 and C-470 in the County of Jefferson.
- ▶ **Description:** A tract of land, which includes Parcels 266XD, 266XD2, 58XA, and 58XB containing 294,466 square feet (approximately 6.76 acres).
- ▶ **How and Why Acquired:** Originally acquired on Project I70-3(125) for the construction of I-70 in the 1960's, and Project I70-3(8)268 for the construction of C-470 in the 1980's. Both projects realigned Rooney Road and the latter project included the construction of the bike path.

Why Dispose of Property?

- ▶ These parcels are outside of the right of way necessary for Interstate 70 and C-470, and have no other improvements besides the bike path constructed upon them.
- ▶ The large vacant land area poses unnecessary maintenance responsibilities and liabilities.
- ▶ The original land owner in the area requests disposal to consolidate a tract of land that was bisected by the bike path.
- ▶ CDOT will reserve a 20-foot permanent easement for the continued operation, use and maintenance of the bike path in its current location.
- ▶ Estimated value of property: \$1.4M

Reza concluded his presentation and asked if there were any further questions and there being none he requested approval of the Resolution for Declaration of Excess Property.

Chairman Gruen asked for a motion to approve the Resolution. Commissioner Rogers moved for approval of the resolution as presented. Commissioner Erickson

seconded the motion and on a vote of the Commission, the following Resolution was approved unanimously.

Resolution # TC-1904

Declaration of Excess Property Region 6

WHEREAS, the Colorado Department of Transportation (Department), formerly known as the Division of Highways, acquired right of way in the early 1960s under Project Number I 70-3(8)268 for the construction of a portion of State Highway 70, and in the early 1980s under Project Number I 70-3(125) for the construction of a portion of State Highway 470;

WHEREAS, the owner of the abutting properties, and underlying owner of the property proposed to be declared excess, has asked that a portion of the right of way be sold to allow assemblage of the two separate parcels into one contiguous tract of land;

WHEREAS, the Department has constructed a bike path on portions of said right of way being requested by the abutting owner, and said bike path will remain in its existing location and alignment;

WHEREAS, the Department will reserve a 20-foot wide permanent easement along the length of the bike path, Parcel PE-266D, Project I 70-3(125) for only the area necessary for its continued operation, use, and maintenance;

WHEREAS, the Department's Region 6 office recommends that the properties labeled Parcels 266XD, 266XD2 of Project I 70-3(125) and Parcels 58XA, and 58XB of Project I 70-3(8)268 be declared excess right of way and no longer needed for transportation purposes, now or in the foreseeable future;

WHEREAS, the Department, has declared through Pamela Hutton as Chief Engineer, that this property is no longer needed for transportation purposes, now or in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this portion of right of way is not needed for transportation purposes; and

NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation be given authority to dispose of Parcels 266XD, 266XD2 of Project I 70-3(125) and 58XA, and Parcels 58XB of Project I 70-3(8)268 as legally described and encompassed in Exhibit A, and contained in the official agenda, containing 294,466 square feet (6.76 acres), more or less, and selling the excess right of way parcel to the abutting property owner at its' fair market value, while reserving a 20-foot wide permanent easement, Parcel PE-266D, Project I 70-3(125) as shown on Exhibit B, and contained in the official agenda, for the continued operation, use and maintenance of a bike path.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.4 of the Department's Right-of-Way Manual

Discuss and Act on Approval of Resolution for the Transfer of Senate Bill 1 Vehicles

At the introduction of Agenda Item number 13 for the Approval of the Resolution to Transfer Senate Bill 1 Vehicles, Brad Patterson, Transit Services Manager, Greeley-Evans Transit, who did not make it to the meeting in time for public comment at the beginning of the meeting was given the opportunity to speak for three minutes. He provided a paper copy of the following letter and read most of it during the three minutes he was given. The Commissioners took an additional few minutes to finish reading the text on their own.

September 16, 2010

Colorado Transportation Commission

Commissioners: Good morning! Thank you for allowing me to speak with you about the dispersion of the Senate Bill One buses. I understand and respect that you have charged the Intermodal Committee with formulating a recommendation concerning this item, and that they have done their work diligently and honestly with the best information they had available to them. However, with all due respect to the members of the Intermodal Committee, and my personal respect for these individuals who I have worked with and gotten to know over the past several years, I found myself not being able to sleep last night over what I believe to be is a mistaken conclusion. Over the past two days I spoke with several of my colleagues in Colorado transit and was advised that, once the Committee had made their recommendation it was a done deal and I should just accept it. While it is probably wise to apologize in advance for my persistence and stubbornness, I chose to leave the state CASTA/CDOT Fall Conference early so I can make one last appeal to you to make a better decision that I firmly believe, with all my heart, would truly be the best decision on awarding the SB-1 buses.

Here is why I ask you to reconsider the Committee's recommendation:

I understand that three agencies requested the vehicles. From talking with Lenna Kotke, Director of Special Transit in Boulder which is a mentor or sponsor to some degree of The Climb transit service, she believed the vehicles were simply too large for the needs of The Climb.

For Greeley-Evans Transit, our request is needs-based upon the following situations:

- 1. We have provided contracted transit services to the administration of University of Northern Colorado for over ten years. This year, the students of UNC voted to not only fund transit services themselves as a student fee, but to increase the level of service three-fold. As such, starting in mid-August, we are now running four buses for them during the day instead of three and have pulled a bus out of reserve to do so, lowering our spare ratio to less than what is recommended by the FTA. Thus, we have a need for another bus to provide this service. This increased demand by UNC has no sunset provision and is expected to grow as UNC looks at other transit links in the community that would benefit their students.*
- 2. Five years ago, before I came to Greeley, the City Council added service hours to the transit system, including an extra hour of early morning and evening fixed route service. Those extra hours have never really paid off and have very low ridership, averaging 5.1 & 4.4 trips per hour respectively, while the rest of the system averages over 15 riders per hour with an annual average growth rate exceeding 5%. As I have been taught in many transit management learning opportunities, we should be as efficient and effective with our limited resources as we can. Therefore, we have proposed reallocating the first and last hours of the current fixed route system to providing a new route and increasing coverage on three of our other routes as well as doubling the frequency on one of the routes. This proposal is budget-neutral – we are not cutting service, we are reallocating it as any responsible transit operator would do. We will need an additional bus to make this reallocation happen.*

3. Lastly, through a combination of federal, state and local support, we have moved from having the oldest fleet in the State to one of the newest. One main reason that we have been able to do this is that we have switched our fixed route vehicle procurement to one right-sized large medium-duty (7 year life) body-on-chassis transit coach (International Champion) that costs approximately \$165,000 each instead of the heavy-duty (10-12 year life) transit coaches such as Gilligs that you see in most transit fleets and cost \$350,000 or more. We determined that, as long as we get at least five years of serviceable life out of them and all of our fleet is of the same vehicle type, these International Champions will be most cost-effective in the long run. That being said, we really need to begin replacing our four Gilligs, two of which are 17 years old and the other two are 15 years old and all are costing much higher amounts than average to maintain. The three SB-1 buses are International Champions that match the balance of the buses in our fleet and would reduce the maintenance costs needed to keep our Gilligs running that are well past their certified useful life.

For the City of Fort Collins Transfort, I believe their request is not based on need but on the desire to improve their public image. As their application states, the SB-1 buses would be used on existing routes that have low-performing ridership, thus justifying the application of smaller vehicles. Like most of us in transit usually do, they have received complaints about running large empty buses, which negatively impacts their public image. However, as stated, they already have the buses, albeit too large, needed for the services they are providing – which means that the three large buses they are replacing will sit idle. These large buses are not old or worn out – they are simply too big to be politically correct.

Further, Transfort states that running the smaller SB-1 buses will reduce their operating costs. I believe this statement is factually incorrect for two reasons: Having operated the three SB-1 buses for 17 months of primarily highway usage (which is a more fuel-efficient application than city miles), and also having the experience of operating ten other buses in our fleet of the same model and age, for three years we have averaged one mile per gallon greater fuel consumption than our four old Gilligs; we believe this is due to the substantially stricter emissions standards required now. In addition, Transfort does not have any International Champions currently in their fleet. As such, they will not realize the cost savings from having like-typed, uniform fleets. From their application I cannot find any evidence to support their claim that the SB-1 buses will reduce their operating costs.

Lastly, I understand and empathize with the Intermodal Committee's desire, which I am confident you share, to make a safe choice on the placement of these SB-1 buses and avoid getting into a position of having to take them back once again. After the issues with the FREX service and now these 34-Xpress buses, I fully appreciate your concerns. However, I ask you this: What is the safe choice? I was told that the City of Greeley was not considered to be "transit friendly" and was considered to be a higher risk than the City of Fort Collins for retaining these vehicles. While I am well aware that there are some in our community who are not transit supporters, we are no different than any other community in this regard. I am also aware that, while they may not like transit, some are savvy enough to realize getting rid of it is not a viable option politically. The City of Greeley has operated public transit since 1960 and has budgeted for it with no reductions for the next two years, as long as it legally can. According to the City Manager, there are no proposed cuts to transit on the table. The current City Council supports the reallocation plan I previously mentioned. Furthermore, while cities across the country, including the City of Fort Collins have cut transit services due to the current economic downturn, the Cities of Greeley and Evans are proud of the fact that we have not cut any transit services, but in fact continue to grow as evidenced by the expanded contract with UNC and our consistently growing ridership.

In closing, I ask you to consider this: If you truly desire the development of "transit-friendly" communities in our great state, are you sending the right message to my community of Greeley by denying them the resources to address what I believe is a clearly demonstrated need and I know is also a "safe" place that will fully utilize said resources. With all due respect to both the Intermodal Committee, your Board, and the other applicants for these resources, let me assure you my motives are pure, which is to provide the best level of public transit services I can to our riders and our taxpayers. While I do believe we have a great deal of support for transit in our community – we just had "Future of Transit In Our Community" forum that was attended by nearly 100 citizens and community leaders – and thanks again to Jennifer Finch for being one of our speakers – I only wish we had the level of support that Fort Collins, Boulder or Denver has. We have what we have and we have to make the best of it, including pursuing rare opportunities such as this.

Thank you for your time, and I ask you to consider what I have placed before you and make the best decision.

Commissioner Aden asked Mr. Patterson if he was at the Transportation Commission meeting at the request of the elected officials of the City of Greeley. Mr. Patterson stated that he was in attendance on his own behalf as the Director and had not been asked to attend by the city of Greeley.

After a period of quiet while the Commissioners read the text of the letter, Chairman Gruen welcomed Jennifer Finch to speak about the request for the transfer of the SB-1 vehicles. Jennifer stated that the Transit Unit went through a call for request of interest on these busses throughout the state and received three applications that were reviewed by the Transit and Intermodal committee on Monday, September 13, 2010 during a conference call and recommended that the busses be transferred to Fort Collins for the city's Transfort Fleet for use in their fixed route services. She confirmed that it was not an expansion of service but, replacing busses in existing service with a vehicle that is more appropriate for the ridership that they have in the corridor. She stated that Fort Collins would have to pay North Front Range the pro-rated amount for the local share so that what is really being transferred is the state interest in the busses and that staff would be developing an IGA prior to the transfer actually occurring. Jennifer asked for the Commission's consideration and approval of the Resolution. Commissioner Rogers asked Jennifer if she felt the Committee had the opportunity to consider all of the information and arguments as set forth by Mr. Patterson's comment during the meeting. Jennifer stated that the Committee did not have access to all of the detailed information but, looking at the process, staff may have had access to the information but, she was unable to confirm that as they were at the CASTA conference. She reported that the staff had provided a summary of all of the applications to all of the Transit and Intermodal Committee members.

Chairman Gruen asked for a motion to approve the Resolution. Commissioner Parker stated that as a member of the Transit and Intermodal Committee he confirmed that there was a good and vigorous discussion during the conference call for the committee meeting and that he appreciated Mr. Patterson's comments but, would move for approval of the Resolution presented. Commissioner Erickson seconded the motion and on a vote of the Commission, the following Resolution was approved unanimously.

Resolution #TC-1905

Transfer of the State interest in the SB-1 buses

WHEREAS, Pursuant to 43-4-206(VII)(2)(a)(I) CRS, the Department received approval and funding for implementation of Senate Bill 97-001 Strategic Transit Project Funds from the Colorado Legislature and its Joint Budget Committee; and

WHEREAS, the Transportation Commission of Colorado solicited and reviewed project applications in accordance with established program criteria and determined which entities' projects would be most appropriate for funding; and

WHEREAS, the Commission approved a list of strategic transit projects by Resolution Number TC-1455; and

WHEREAS, the North Front Range Metropolitan Planning Organization (NFRMPO) submitted a funding application to carry out a strategic transit project, hereinafter referred to as the Project, and that Project was included on the list of strategic projects approved by the Commission; and

WHEREAS, Senate Bill 97-001 funds were provided to the NFRMPO for the Project by the State by means of IGA 08-HTD-00031, which provided funds for the purchase of three (3) body-on-chassis buses for use on a fixed route public transportation service between Greeley and Loveland; and

WHEREAS, the State provided 70% of the funding (the State Share) for the purchase of the buses and the NFRMPO provided the remaining 30% (the Local Share); and

WHEREAS, the State has specified that each party retains its proportional interest in the value of those three (3) buses for the useful life of the equipment based on a straight-line depreciation methodology; and

WHEREAS, the NFRMPO has informed the Department that the NFRMPO has terminated the fixed route bus service between Greeley and Loveland due to poor ridership; and

WHEREAS, the IGA between the Department and the NFRMPO indicates the buses were to be used only for the specified strategic project; and

WHEREAS, the Department has informed the NFRMPO that it will transfer the Department's State Share interest in the buses to another qualified organization and that said organization will be required to reimburse the NFRMPO the prorated Local Share based on a straight-line depreciation methodology; and

WHEREAS, the Department has announced the availability of the three buses to transit operators throughout the state and informed those operators of the process for requesting transfer of one or more of the buses as well as the Department's selection process; and

WHEREAS, Department staff has received application requests for transfer of the State interest in the buses and has evaluated the requests in terms of their proposed usage of the buses, the age and mileage of any vehicle to be replaced, the type of service to be provided with the bus(es), and the financial sustainability of the service to be provided with the bus(es); and

WHEREAS, the Transportation Commission's Transit and Intermodal Committee has reviewed the applications and the staff's recommendations and is recommending the transfer of the three buses;

NOW THEREFORE BE IT RESOLVED, staff is hereby directed to take action to transfer the three buses as follows:

- A. The State Share interest in the three buses shall be transferred to the City of Fort Collins for deployment in the City's Transfort fleet in regular fixed route service on low ridership routes during night service near the Colorado State University and on Saturday regular service, as set forth in its application for transfer of the buses dated August 31, 2010.

- B. The Department shall develop an IGA with the City of Fort Collins. No transfer shall occur until an IGA is fully executed by both parties. Such IGA will require the payment by the organization to the NFRMPO its prorated Local Share interest.

Discuss and Act on Approval of Resolution for FASTER State Transit Funds

Jennifer Finch stated that the Resolution could be found on a blue sheet in the Commission's materials and that following the Workshop on Wednesday, September 15, 2010 the staff made a couple of changes to the second page in Item E where the minimum project request would be \$100,000 but added that exceptions may be made and then under F there were adjustments made to the definition for inter-regional projects to allow for commuter routes between separated urban and rural areas, mobility management projects as well as services that connect multiple regional services so that within the same TPR two transit services could be connected and that would be considered inter-regional. Jennifer declared that with the two changes she was requesting the Commission's approval of the State FASTER program so that the coordination could begin as part of the 4P process to identify projects.

Chairman Gruen asked for a motion to approve the Resolution. Commissioner Aden moved for approval of the resolution as presented. Commissioner Kaufman seconded the motion and on a vote of the Commission, the following Resolution was approved unanimously.

Resolution # TC -1906

Allocation of FASTER State Transit Funds

WHEREAS, pursuant to 43-4-811 (2) the Department will receive, from the State share of the FASTER program, ten million dollars for state fiscal year 2009-10 and for each succeeding state fiscal year, to be used by the Department "for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, that enhance the safety of state highways for transit users;" and

WHEREAS, this funding is herein referred to as the FASTER State transit funds; and

WHEREAS, the Transportation Commission of Colorado has agreed to use a portion of the FASTER State transit funds for the operation, personnel services and administrative expenses associated with the Division of Transit and Rail; and

WHEREAS, the Transportation Commission has considered a variety of options for how the remaining funds could be distributed and awarded; and

WHEREAS, the Transportation Commission considered geographical equity in the distribution of funds, resource allocation policies, and the ability to reasonably manage the new program; and

WHEREAS, there is a need to make advantageous use of FASTER transit funds while the Division of Transit and Rail is being established yet not commit funds for a substantial period of time that could preclude advancing priorities as identified in studies (State Rail Plan, High Speed Rail Connectivity Study, State Transit Plan) that are still in their initial phases; and

WHEREAS, the Commission determined it should select an option that called for maximum cooperation and collaboration between the CDOT Engineering Regions, TPRs and MPOs, Division of Transit and Rail and Division of Transportation Development in order to build upon the guidance developed for the FASTER local transit grant program and to maximize the coordination of the two programs; and

WHEREAS, the selected option calls for providing a higher priority to projects that are statewide, interregional, regional and multimodal in nature; and

WHEREAS, the selected option calls for project selection utilizing existing planning processes during the upcoming STIP development process;

NOW THEREFORE BE IT RESOLVED, staff is hereby directed to distribute FASTER State Transit funds for Fiscal Years 2010 through 2012 using an allocation and prioritization process by means of the following guidelines:

- C. Project eligibility shall be limited to items defined as “capital expenses” by the Federal Transit Administration, with the exception of local land purchases and office-related equipment. Planning and study expenses are also eligible, but no more than 10% of available funding may be spent on such. Operating expenses will not be eligible for funding.
- D. Eligible applicants shall be limited to CDOT, other public agencies and public or private nonprofit organizations that offer either public transportation or transportation for the elderly and disabled that is “open door” service, which refers to service available to any elderly or disabled person in need and not limited to a particular clientele or facility.
- E. There shall be not be a match requirement if the FASTER transit funds are used on a State project sponsored by CDOT.
- F. All FASTER transit fund awards to other public agencies and public or private nonprofit organizations would require a minimum local match of 20%. In such cases where FASTER transit funds are being used to match a federal grant, up to 80% of the required local match for the federal grant may be provided and the grant recipient will be required to sign a Maintenance of Effort agreement committing not to reduce its local contribution to its transit program as a result of receiving the matching funds and to provide documentation of such effort.
- G. The minimum project request shall be \$100,000. Exceptions may be granted, particularly for smaller rural projects and smaller vehicles.
- H. Projects will be defined as being either statewide, interregional, regional or local in nature, defined as follows:
 - Statewide projects are those that provide services or benefits to a substantial portion of the state, including mobility management tools.
 - Interregional projects are those that provide services or benefits in more than one CDOT Region or more than one TPR, or that operate over a long

distance. This would generally include, but not be limited to, intercity bus services, commuter routes between significantly separated urban and/or rural areas, mobility management projects associated with the coordination of human services transportation, and services that connect multiple regional services.

- Regional projects are those that provide services or benefits within one TPR but which serve more than two municipalities and traverse more than about approximately 25 miles, or that serve a significant portion of a region by connecting or coordinating multiple entities.
 - Local projects are those that provide services or benefits within a local area.
- I. All four types of projects are eligible for FASTER State funding, but will be prioritized in the order above.
- J. There will not be a specific set-aside or targeted amount for statewide and interregional projects. Instead, the CDOT Regions, the Division of Transit and Rail and the Division of Transportation Development will cooperatively evaluate, prioritize and select projects deemed to be statewide or interregional projects.
- K. The following criteria will be used by the above parties to evaluate and rank projects, in this priority order:
1. Extent to which project provides statewide or interregional services or benefits.
 2. Extent to which project is multimodal in nature.
 3. Extent to which project provides regional services or benefits.
 4. Criticality
 5. Financial capacity
 6. Financial need
 7. Project impacts
 8. Readiness
- L. Projects will be solicited during the Project Priority Programming Process (4P) currently underway.
- M. The current STIP will be amended to add selected projects for 2010 and 2011, using funds being made available for those two years by the FASTER legislation.
- N. The CDOT Regions, the Division of Transit and Rail and the Division of Transportation Development will first select statewide and interregional projects that are deemed to be worthy. Funding for such projects would be taken "off the top" of the available funds and not come out of what would otherwise be an allocation to a particular Region.
- O. The funds remaining after statewide and interregional projects are selected will be allocated to the Regions using the same formula as was used for the local FASTER funds, which consists of three components: the existing HUTF distribution formula to cities and counties aggregated by CDOT Region; the most recent population estimate by CDOT Region; and, annual performance data of the public transportation systems within the CDOT Region, which shall consist of total ridership, vehicle miles, and vehicle hours, as listed in the National Transit Database or other database acceptable to the Department. The distribution formula shall be based on the following ratio: 40% HUTF, 30% population and 30% performance.

- P. The Regions would select projects in consultation with the Division of Transit and Rail and Division of Transportation Development, with an emphasis on projects that are carried out by the Region or that are regional in nature, insofar as local projects are intended to be assisted by the FASTER local transit funds program. The Regions will be encouraged to identify projects that could be carried out by the Region that would improve multimodal connections.
- Q. This process will be evaluated after three years of funding to determine its effectiveness, in conjunction with the FASTER local transit grant program evaluation.
- R. The Transit and Intermodal Committee will be charged with providing oversight of the project selection process.
- S. The FASTER funds would be administered based on project type. Regions would contract and oversee construction-related projects using their Local Agency staff, while DTR would manage rolling stock and non-construction statewide and interregional projects.
- T. The terms set forth herein are further detailed in Guidelines dated September 7, 2010, and may be further clarified by the Division of Transit and Rail as needed.

Discuss and Act on Approval of Resolution for the SB 37 report transmittal to the TLRC (transportation legislative review committee)

Jennifer Finch stated that the Resolution concerns an annual report provided to the Transportation Legislative Review Committee and that it provides CDOT the opportunity to talk about potential lines that may be abandoned by the railroads over the course of the next year and how likely that might be. She said it gives CDOT a chance to update the committee on several of CDOT's Rail activities. Jennifer confirmed that staff had identified that a Division of Transit and Rail is being created, that there is funding for a State Rail Plan, and it gives a status report on the NA Towner line with which CDOT has partial ownership. Jennifer stated that the key focus of the Resolution is what CDOT needs to look at for the future. She stated that the priorities for the report are as follows:

- First: to make certain that good use is being made of the NA Towner line and that it was currently under operation but, CDOT has an oversight role in that.
- Second: is to conduct the State Rail Plan along with the High Speed Rail Inter Regional Connectivity Study that funding was received for from the Federal Rail Administration.
- Third: Continue to monitor the Tennessee Pass line
- Fourth: Monitor the Fort Collins branch line which is two lines that if they were abandoned by the railroads, CDOT would have some interest in pursuing the acquisition of the lines rather than letting them go back into the private sector adjacent land owners.

Jennifer then paused for questions and there being none, she asked for approval of the Resolution.

Chairman Gruen asked for a motion to approve the Resolution. Commissioner Aden moved for approval of the resolution as presented. Commissioner Erickson seconded the motion and on a vote of the Commission, the following Resolution was approved unanimously.

Resolution # TC-1907
SB 37 Report to the TLRC

WHEREAS, the abandonment of rail lines in Colorado is considered to be of statewide importance because of the impacts these abandonments may have on local communities and the rest of the transportation system; and

WHEREAS, the Transportation Commission of Colorado has been given statutory responsibility by the State for approving the acquisition of rail lines or railroad right-of-way under C.R.S. 43-1-1303(2); and

WHEREAS, preliminary analysis has been performed by the Colorado Department of Transportation staff to determine which rail lines are in jeopardy of being lost due to potential abandonment; and

WHEREAS, the Division of Transportation Development has identified a list of criteria for prioritization of rail corridors for preservation in a Rail Corridor Preservation Policy dated June 22, 2000; and

WHEREAS, the Department will continue its participation with RTD, DRCOG, and the City and County of Denver in the implementation of the master plan developed for Denver Union Station for its use as a major multimodal transportation hub; and

WHEREAS, the Department will, in conjunction with other interested parties, develop a State Rail Plan and conduct an Interregional Connectivity Study as a means of better planning passenger and freight rail improvements into the future; and

WHEREAS, the Department will continue to provide oversight of the North Avondale Towner Line in order to help ensure that freight rail service options are available in portions of southeastern Colorado; and

WHEREAS, the Department will respond to the provisions set forth in Senate Bill 09-094 by implementing the creation of a transit and rail division ; and

WHEREAS, C.R.S. 43-1-1303(3) requires the Executive Director of CDOT to submit a prioritized list of proposed railroad acquisitions and their proposed uses to the TLRC; and

WHEREAS, the Division of Transportation Development has examined rail lines that have been abandoned, or have been proposed to be abandoned, during the past year and determined that none were rail lines of statewide significance and none met the criteria for requiring preservation or acquisition by the State, and

WHEREAS, there are no rail lines of statewide significance that are at immediate risk of abandonment and in need of acquisition; and

WHEREAS, the Transportation Commission wishes to keep the TLRC informed of rail activities that could impact rail service in the State.

NOW THEREFORE BE IT RESOLVED, the Executive Director is hereby directed to submit the following list of recommendations to the Transportation Legislation Review Committee:

First priority: NA Towner Line

The first priority is to continue to maintain oversight of the NA Towner line for freight service.

Second priority: To conduct the State Rail Plan and the Interregional Connectivity Study

The results from these studies will provide guidance regarding future opportunities and partnerships for projects to enhance freight and passenger rail service, including high speed rail.

Third priority: Tennessee Pass Line

Monitor the status of UP's Tennessee Pass Line. It does not appear UP will abandon this line in the near future; however, it has not been used for over nine years. If this line is abandoned, the State should purchase it to preserve it for freight service in the future.

Fourth priority: Fort Collins Branch Line

Monitor the status of the Fort Collins Branch line. While this line does not appear to be at risk of abandonment in the near future, it is identified as a rail corridor of state significance since it connects Greeley and Fort Collins to the North Interstate 25 corridor.

Acknowledgements

Executive Director George stated that there was an achievement award that needed to be presented and that the program that the award comes from has been around for 15 years and added up to 600 CDOT employees who have done something special in the categories of safety, service, innovation, or customer service. He stated that the award comes through a nomination process and a team of employees review the applications and make the decisions for those who will receive the award. He reported that the award today gives information on the Maintenance Professionals who are a group of people who will very often do something extraordinary but, act like it was nothing at all. He stated that this was exactly the case for the award winner on that day.

Mr. George introduced Dennis Allen, Maintenance Superintendant in Greeley who gave an account of the heroic efforts that Robert Mitchell performed when he came upon an accident in Brighton and that no one knew anything about his actions until he received a subpoena to testify in court in regards to the accident he had witnessed.

Dennis stated that the employee witnessed a car run a stop sign and T-bone a SUV, which rolled 2 times and landed on the passenger side. The employee got the woman who was driving the SUV out through the back cargo door, her arm was severely injured with bones exposed and a great deal of bleeding. The employee removed his shirt to wrap her arm and then he had to administer CPR because the woman had become unconscious and he did this until paramedics arrived. Dennis pointed out that the employee was not a paramedic, EMT, or fireman but, that all of the training he had was received at the Colorado Maintenance Training Academy and that he was a fine example of the great employees who work at CDOT and that he reflects the great work done at the Maintenance Training Academy. Dennis announced that he was proud to present the Colorado Achievement Award in the Category of Service to Mr. Robert Mitchell from Patrol 23 at Hudson. Robert came forward to receive the award and thanked everyone. Chairman Gruen thanked him for his service.

Other Matters

Historian Presentation:

- Chairman Gruen stated that in honor of CDOT's Centennial there would be a presentation from one of the CDOT Historians, Bob Autobee. Bob delivered a presentation entitled: **THE ROAD AHEAD: COLORADO'S FIRST HIGHWAY COMMISSIONERS** which was an account of the first "road trip" taken by the first Highway Commission.
- A copy of the PowerPoint and text will be saved in the Transportation Commission's permanent electronic file for the September 16, 2010 meeting.

Recognition of CDOT Historians who wrote chapters in the book: *100 Years of Colorado State Transportation History*:

- Executive Director George stated that he wished to honor the Historians who wrote chapters in the book and he said that they took on these Centennial-related responsibilities in addition to their regular job duties. He declared that this was a major undertaking and that their results speak for themselves – they have contributed to very important historical documentation of CDOT and our predecessor agencies, and they have helped leave an historical record which will be enjoyed and counted on by ourselves and our future generations of employees.
- He confirmed that he wanted to commend and thank each of these historians publicly on behalf of CDOT and said that accordingly, he would present a

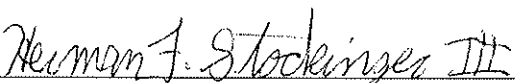
memento of their efforts, based upon the CDOT centennial book, and a letter of commendation for each. He called each of them up and gave the following background on them:

- Region 6 Historian Dianna Litvak, who wrote Chapter 5, "In Productive Harmony: Beginnings of Environmental Planning" for the CDOT book, and wrote sidebar items for *Colorado Heritage Magazine* Assistant Staff Historian
- Jennifer Wahlers, who wrote Chapter 2, "Overcoming Obstacles: The Evolution of Colorado's Highways" for the CDOT centennial book, and who wrote "Making it Work: The Contributions of Depression-Era Works Programs to Colorado's Highway System" for *Colorado Heritage Magazine*;
- Senior Staff Historian Lisa Schoch, who wrote Chapter 3, "Putting Colorado on the Map: Linking the State Highway System and Tourism" for the CDOT Centennial book, and who wrote "Putting a Five-Story Building Through the Mountain: How the Straight Creek Tunnel Transformed Colorado" for *Colorado Heritage Magazine*;
- Region 4 Historian Bob Autobee, who wrote Chapter 1, "Isolation to Destination: The Roads Leading to a Colorado Highway Department" for the CDOT book, and who wrote "Somebody's Else's Horizon – The Road Trips of Colorado's First Highway Commissioners" for *Colorado Heritage Magazine*.

They each came forward and received their mementos and made brief comments. The group was thanked by Chairman Les Gruen and given a big round of applause.

Adjournment

The meeting was adjourned at 11:10 a.m.



Herman Stockinger, Secretary
Transportation Commission of Colorado